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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,339

11/30/2006

Yoshitaka Hara

285598US2PCT

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06/26/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PILAPITIYA, NALIN B

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

06/26/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/567,339	Applicant(s) HARA ET AL.	
	Examiner NALIN PILAPITIYA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21 – 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Trikkonen (Pub. No.: US 2004/0002364).

Re claim 21, Trikkonen discloses a radio communication method for a radio communication system (fig. 2) in which output signals are generated from a plurality of information signals and then transmitted to a system of communication partner from a plurality of antennas (fig. 2, item 105), comprising:

receiving control information transmitted by the system of communication partner (paragraph 91, 304, 307, fig. 4a and 4b; the loop transmissions contain control information);

determining, based on the received control information, a first weight for one of the plurality of information signals with respect to the plurality of antennas, and a second weight for another one of the plurality of information signals with respect to the plurality of antennas (paragraph 322, 140, and 309);

generating a first operation result by multiplying the one of the plurality of information signals by the first weight, and generating a second operation result by

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multiplying the another one of the plurality of information signals by the second weight (paragraphs 322, 140, and 136); and

generating, based on the first operation result and the second operation result, a plurality of the output signals each corresponding to one of the plurality of antennas, and transmitting the plurality of the output signals to the system of communication partner (paragraphs 126 and 17).

Re Claim 22, Trikkonen discloses the radio communication method according to Claim 21, wherein the transmission comprises generating the plurality of the output signals by one of applying different modulation schemes between the first operation result and the second operation result and applying different encoding methods between the first operation result and the second operation result (paragraph 108 mentions the use of different modulations; paragraph 118, 256, 248, 252).

Re Claim 23, Trikkonen discloses a radio communication system (fig. 2) in which output signals are generated from a plurality of information signals and then transmitted to a system of communication partners from a plurality of antennas (fig. 2, item 105), comprising:

a reception device for receiving control information transmitted by the system of communication partner (paragraph 91, 304, 307, fig. 4a and 4b; the loop transmissions contain control information);

a weight determining device for determining, based on the received control information, a first weight for one of the plurality of information signals with respect to the plurality of

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antennas, and a second weight for another one of the plurality of information signals with respect to the plurality of antennas (paragraph 322, 140, and 309);

an operation device for generating a first operation result by multiplying the one of the plurality of information signals by the first weight, and generating a second operation result by multiplying the another one of the plurality of information signals by the second weight (paragraphs 322, 140, and 136); and

a transmission device for generating, based on the first operation result and the second operation result, a plurality of the output signals each corresponding to one of the plurality of antennas, and transmitting the plurality, of the output signals to the system of communication partner (paragraphs 126 and 17).

Re Claim 24, Trikkonen discloses the radio communication system according to Claim 23, wherein the transmission device generates the plurality of the output signals by one of applying different modulation schemes between the first operation result and the second operation result and applying different encoding methods between the first operation result and the second operation result (paragraph 108 mentions the use of different modulations; paragraph 118, 256, 248, 252).

Response to Arguments

3. Applicant's arguments with respect to claims 21 - 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

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Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NALIN PILAPITIYA whose telephone number is (571)270-7122. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael G. Perez can be reached on (571)272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NALIN PILAPITIYA/
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617